UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via U.S. Postal Service and Electronic Mail
Certified Mail Receipt No. 7008 1830 0002 6279 5325
Return Receipt Requested

April 5, 2011

Mr. Mike Barr
Aspire Public Schools
1001 22nd Avenue, Suite 100
Oakland, CA 94606

Re: Aspire Public School, 1009 66th Avenue, Oakland, California – USEPA November 13, 2009 Approval of Polychlorinated Biphenyls' Cleanup Notification Under Toxic Substances Control Act – Request for Cap Modification

Dear Mr. Barr:

We appreciate Ron Goloubow's (Arcadis) March 31, 2011 letter[1] requesting on behalf of College for Certain, LLC a modification to the cap for soils contaminated with polychlorinated biphenyls (PCBs) required under the Toxic Substances Control Act (TSCA) regulations in 40 CFR 761.61(a)(7). On November 13, 2009, the U.S. Environmental Protection Agency, Region 9 (USEPA) approved with conditions the October 23, 2009 *"Toxic Substances Control Act Self-Implementing Cleanup Notification and Certification Former Pacific Electric Motors Facility 1009 66th Avenue in Oakland, California"* (Notification) prepared by Arcadis for Aspire Public Schools. That approval under 40 CFR 761.61(a) (self-implementing PCB cleanup) requires a cap be constructed at the entire Aspire site consistent with the requirements in 40 CFR 761.61(a)(7) for a concrete cap. Such a cap is required to be 6 inches thick.

In the attached letter, Arcadis is proposing a modified design for the rat slabs over which the schools modular buildings will be installed. These modified rat slabs are proposed as an alternate cap design for the portion of the site where the modular buildings will be located and such proposed cap differs from the concrete cap required in 40 CFR 761.61(a)(7). The proposed alternate cap (modified rat slab) is a 6-inch-layered cap that will be constructed atop 18-inches of cement-treated native soil contaminated with residual PCB levels. The 18-inch soil layer is underlain by native soils. The proposed alternate cap consists of a 4-inch thick layer of imported base rock atop the 18-inch cement treated soils and a 2-inch thick Portland cement concrete layer atop the base rock layer.

The purpose of the cap is to prevent exposure of human and ecological receptors to soils with residual PCB contamination. The 6-inch concrete cap approved on November 13, 2009 is a mitigation measure for soils at the site with residual PCB levels of 0.13 mg/kg (cleanup level) and levels of PCBs below 3 mg/kg in two specific areas of the site where the cleanup level could not be achieved. The modified cap will prevent receptor exposure

[1] Letter from Ron Goloubow (Arcadis) dated March 31, 2011 (Subject: "Proposed Toxic Substances Control (TSCA) Cap for Modular Buildings – Former Pacific Electric Motors Facility, 1009 66th Avenue, Oakland, California") to Carmen Santos (USEPA Region 9).

to residual PCBs in soils since all soils at the Aspire site will be capped and no soils will be left exposed. Rain water infiltration should be minimal through the upper 2-inch concrete layer of the cap.

We are approving the proposed design for the alternate cap (modified rat slab) under the TSCA regulations in 40 CFR 761.61(c) (risk-based cleanup option). We believe this alternate cap is still protective of human health and the environment provided that required maintenance and repairs are conducted as required in Condition 9 of the November 13, 2009 approval. The rat slab is a portion of the site-wide cap required for the Aspire site in USEPA's November 13, 2009 conditional approval of the October 23, 2009 Notification of PCB cleanup at the Aspire site. This approval modifies a portion of the site-wide cap required in Condition 8 of USEPA's November 13, 2009 letter. This approval does not modify Condition 9 in USEPA's November 13, 2009 Notification approval that requires maintenance and repair of the cap in perpetuity. The requirements in Condition 9 are equivalent and consistent with the requirements in 40 CFR 761.61(a)(8).

We look forward to being of assistance to College for Certain LLC during implementation of the work remaining in the Notification as modified by the conditions of approval, construction of the rat slab, and review of future modifications that College for Certain, LLC may propose to portions of the cap not addressed in this modification of USEPA's November 13, 2009 approval letter. Please call Carmen Santos of my staff at 415.972.3360 if you have any questions concerning this letter.

Sincerely,

for Jeff Scott, Director
Waste Management Division

Enclosures (1)

Cc: Ron Goloubow, Arcadis
Michael Rueda, Pacific Charter School Development
Arlene Kabei, USEPA R9
Steve Armann, USEPA R9
Carmen Santos, USEPA R9

ARCADIS
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Ms. Carmen Santos
U.S. Environmental Protection Agency, Region 9
Mail Code WST-5
75 Hawthorne Street
San Francisco, California 94105

sent via email only

Environmental

Subject:
Proposed Toxic Substance Control Act (TSCA) Cap for Modular Buildings – Former Pacific Electric Motors Facility, 1009 66th Avenue, Oakland, California

Date:
March 31, 2011

Contact:
Ron Goloubow

Phone:
510.596.9550

E-mail:
ron.goloubow@arcadis-us.com

Our ref:
EM009155.0010.00001

Dear Ms. Santos:

On behalf of College for Certain, LLC (CFC), ARCADIS U.S., Inc. (ARCADIS) has prepared this letter to provide the revised details regarding the design of the Toxic Substance Control Act (TSCA) Cap for Modular Buildings to be installed under the Modular Buildings to be installed at 1009 66th Avenue in Oakland, California ("the Site"; Figures 1, 2, and 3). This area under the Modular Buildings has been referred to as the "rat slab".

As we have been discussing the rat slab will serve as the TSCA Cap beneath the modular buildings to eliminate the potential exposure pathway to soil that may contain polychlorinated biphenyls (PCBs) at the Site.

Proposed Rat Slab Design

The details regarding the proposed design for the rat slabs is illustrated on hand drawn Figure 3. Figure 2 provides a summary of the design for the proposed rat slabs as well as the revised TSCA cap for the other portions of the Site. The locations of the modular buildings, also described as relocatable buildings are presorted on Figure 2. ARCADIS will provide a request to approve the revised TSCA cap for the other portions of the Site under separate cover.

As discussed between representatives of ARCADIS and U.S.EPA on March 29 and 31, 2011 the proposed TSCA Cap design for the rat slabs will be comprised as follows (from the bottom up):

- Native soil
- 18 - Inches of cement treated native soil
- 4- Inches of imported aggregate base rock and
- 2- Inches of Portland cement concrete

Closing

Blackwell Construction (on behalf of CFC) is in the process of installing the modular (relocatable) buildings and needs to finalize the design of the rat slabs by Friday, April 1, 2011. ARCADIS will contact representatives of U.S. EPA April 1, 2011 to determine if the design provided in this letter is acceptable. We at ARCADIS appreciate working with you and your team and look forward to bringing this project to closure with the U.S. EPA in the near future.

Sincerely,

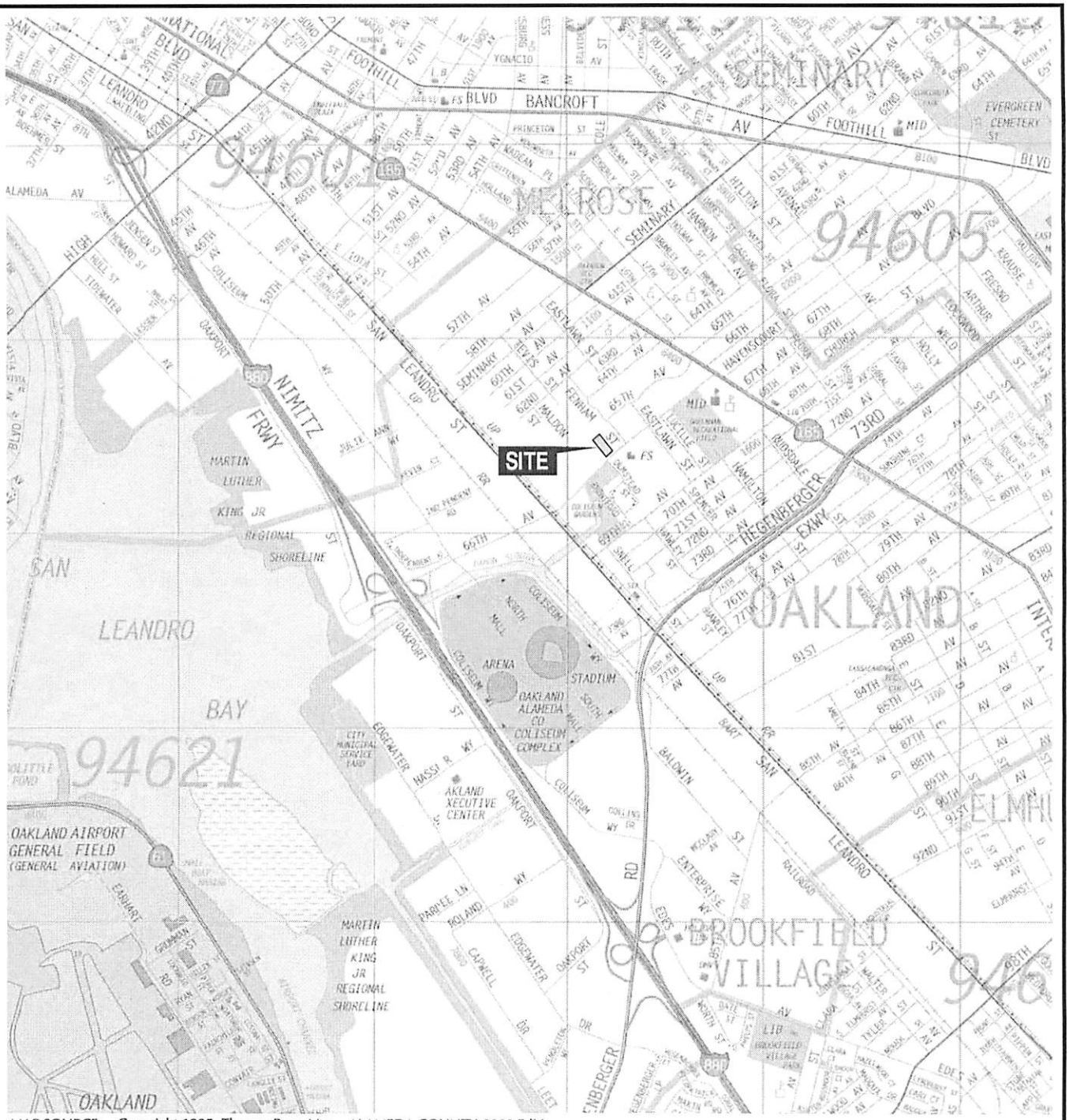
ARCADIS U.S., Inc.

Ron Goloubow, P.G.
Principal Geologist

Copies:
Mike Rueda – Pacific Charter Schools
Brad Kettle – Blackwell Construction

Enclosures:

Figure 1 – Site Vicinity Map
Figure 2 – Site Plan
Figure 3 – Rat Slab Design (hand drawn map)



MAP SOURCE: Copyright 1995, Thomas Bros. Map ALAMEDA COUNTY 2002 Edition

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1009 66TH AVENUE, OAKLAND, CALIFORNIA

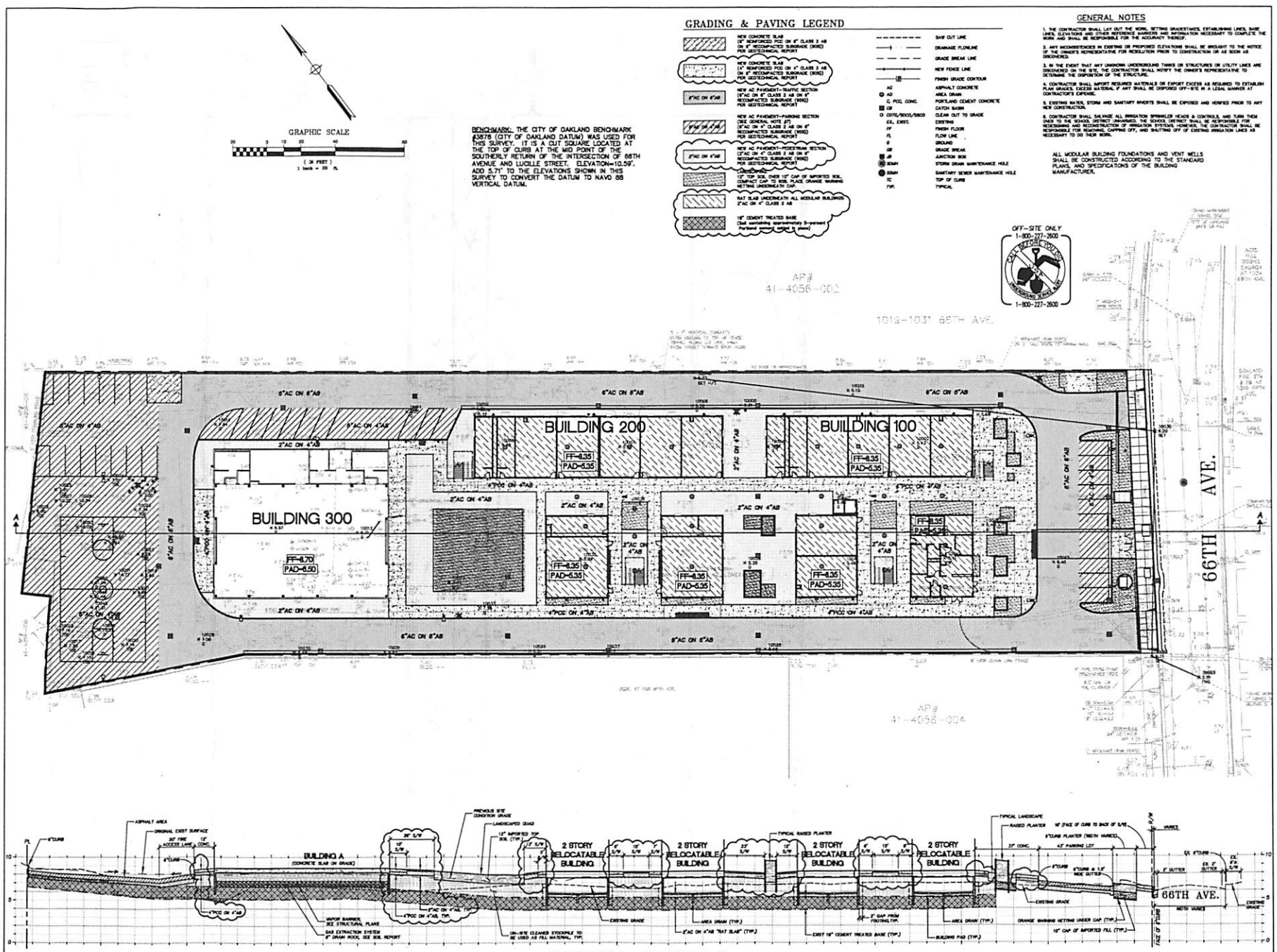
SITE VICINITY MAP

ARCADIS

FIGURE 1

DESIGN\003\09155\Figure 1 Site Vicinity - 003-09155.cdr

Imagine the result



K2A
ARCHITECTURE + INTERIORS
444 Dolfare Street, Suite 220
San Francisco, CA 94107
tel 415.487.6900
fax 415.487.6909

Client
College for Certain, LLC

Project Name
Aspire 66th Ave

1009 66th Ave.
Oakland, CA 94621

Consultants

Sheet Name
PAVING PLAN

Approval Stamp

Revisions
FOR EPA REVIEW
03-23-2011

Sheet Information
Drawing Scale: 1"=20'
Drawn By: VG/MM

Project Information
Date: 08/26/2010
Status: Inc.1 Permit Sub.
Project Number: 1005

Sheet
1-C3.0

ARCADIS

SUBJECT: Aspire - TSCA CAP
Rat Slab Design
JOB NO: For Modular Buildings

BY: RONG DATE: 3/31
CHKD: DATE:
Figure 3

PAGE 1
SHEET 1/1